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REPLY UNDER

37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1614

PATENT
0020-4883P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: H. YOKOYAMA et al. Conf.: 4627

Appl. No.: 09/890,552 Group: 1614

Filed: August 2, 2001 Examiner: D. JAGOE

For: DRUG FOR ALLEVIATING MIGRANE

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FINAL REJECTION)

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 17, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

II. COPIES

a. This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents

b. This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

An English abstract of JP 04149136 A is attached hereto.

c. **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. **OTHER**

The following additional information is provided for the Examiner's consideration.

German Reference - No translation available.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d):

after the mailing date of a Final Action under § 1.113.

See the Statement Under 37 C.F.R. § 1.97(e).

V. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

A check in the amount of \$180.00 is enclosed for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p).

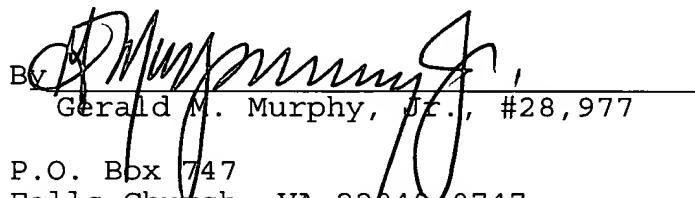
Please charge Deposit Account No. 02-2448 in the amount of \$180.00 for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p). A triplicate copy of this paper is attached.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977
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Falls Church, VA 22040-0747
(703) 205-8000

GMM/KJR/jao
0020-4883P

Attachment(s): PTO-1449
 Documents
 Foreign Search Report
 Fee
 Other: _____

(Rev. 02/12/2004)

Form PTO-1449	ATTY. DOCKET NO. 0020-4883P	APPLICATION NO. 09/890,552
TYPE INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	APPLICANT H. YOKOYAMA et al.	
<i>MAR 17 2004</i> <i>OFFICE</i>	FILING DATE August 2, 2001	GROUP 1614

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

	P. Schattner et al., Australian Family Physician, 25(2) pp. 216-222 (February 1996)
	http://www.itmonline.org/jintu/white flower , "WHITE FLOWER ANALGESIC BALM", XP002267621
	PATENT ABSTRACTS OF JAPAN, JP 04 149136A, 22 May 1992 (Abstract)
	D. RUCKER, "Mint oil reduces headaches", XP001157330 & PHARMAZETISCHE ZEITUNG 1996 Vol. 141, No. 22, 1996, page 42 (Abstract)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KJR/jao